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# Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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**Committee against Torture**
**Sixty-second session**

**Summary record of the 1596th meeting**
Held at the Palais Wilson, Geneva, on Thursday, 23 November 2017, at 10 a.m.

*Chair:* Mr. Modvig

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*Second periodic report of Rwanda*

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*The meeting was called to order at 10 a.m.*

**Consideration of reports submitted by States parties under article 19 of the Convention** (*continued*)

*Second periodic report of Rwanda* (CAT/C/RWA/2; CAT/C/RWA/Q/2 and CAT/C/RWA/Q/2/Add.1)

1. *At the invitation of the Chair, the delegation of Rwanda took places at the Committee table.*

2. **Mr. Busingye** (Rwanda) said that his country's second periodic report had been prepared following a broad consultative process coordinated by an inter-agency task force headed by the Ministry of Justice and including representatives of all branches of government and civil society organizations. Since Rwanda had last appeared before the Committee in 2012, it had made notable progress towards fulfilling its obligations under the Convention against Torture. In 2015, the Constitution had been revised to provide for a more comprehensive bill of rights. The text now contained an explicit prohibition of torture and enshrined many rights, such as the right to life, that were relevant to the prevention of acts of torture. In 2015, Rwanda had ratified the Optional Protocol to the Convention, while in 2012, it had adopted a new Penal Code that set out a definition of torture that included all the key elements mentioned in the Convention. Indeed, the Code went further by covering the actions of non-State actors such as private security operators. In 2013, the Government had adopted a new Code of Criminal Procedure that reaffirmed the principle of due process of law. The Code set forth procedural standards to protect individuals' personal liberty and established rights to be respected in the course of criminal proceedings. Presidential and ministerial orders had also been adopted to regulate the conduct of military, police and prison officers.

3. The Government had put in place a number of legal and procedural safeguards to prevent torture, including notifying detainees of their rights and granting them access to legal representation and medical care. Training and capacity-building sessions focusing on the Convention and the United Nations Standard Minimum Rules for the Treatment of Prisoners were organized on a regular basis for prosecutors and judicial, police and prison officers.

4. As part of its implementation of the Optional Protocol to the Convention, the Government had hosted the Subcommittee on Prevention of Torture in October 2017. Regrettably, the visit had been brought to an end one day ahead of schedule, which was, in the Government's view, inconsistent with the spirit of cooperation and dialogue envisaged in the Optional Protocol.

5. The Government, in collaboration with the Association for the Prevention of Torture, was revising the law on the functioning of the National Human Rights Commission to provide for the establishment of a national preventive mechanism. Once the law had been finalized, it would be submitted to the Cabinet for approval. The mechanism would be the body primarily responsible for ensuring compliance with the Government's domestic and international obligations regarding the prevention of torture and the protection of persons deprived of their liberty.

6. The 2010 law on the establishment, functioning and organization of the Rwanda Correctional Service explicitly provided for the rights of detainees. It stipulated, for example, that they should be treated, at all times, with the respect and dignity inherent to human beings. The Government had also set up the National Rehabilitation Service to reform, educate, train and reintegrate prisoners.

7. All places of detention in Rwanda were governed by law, and the principle of habeas corpus was enshrined in the Code of Criminal Procedure. There were no unofficial places of detention in the country. Concerning prison conditions, the Government aspired to meet international standards and adopt best practices. Detainees had an inalienable right to sufficient, nutritionally balanced meals and drinking water, and were given access to sports, entertainment and religious facilities.

8. In recent years, four new prisons had been constructed and existing facilities had been renovated. Moreover, a rehabilitation centre had been built for minors between 14 and 18 years of age. Male and female detainees were accommodated in separate facilities.

9. The Government was committed to developing a strong legal framework to prevent human rights violations such as those that had contributed to the 1994 genocide against the Tutsi. The Constitution explicitly recognized the right of every Rwandan to defy superior orders if not doing so would result in a serious violation of human rights and freedoms. In addition, under the Penal Code, individuals could be held responsible for acts performed at the behest of a government official or superior. Punishments ranging from six months to life imprisonment could be imposed on persons convicted of torture or ill-treatment.

10. The law set time limits for the completion of investigations with a view to ensuring that victims of torture and ill-treatment had timely access to legal redress. In line with articles 13 and 14 of the Convention, victims were entitled to sue for damages in criminal proceedings.

11. While it was proud of the considerable progress made during the period under review, the Government was mindful of the challenges that remained and was committed to overcoming them. It viewed the interactive dialogue with the Committee as part of that process. For the Government, the prevention of torture and the protection of victims were not only requirements stemming from the Convention but also, most importantly, constitutional obligations owed to citizens.

12. **Mr. Touzé** (Country Rapporteur) said that he was grateful to the State party for sending such a high-level delegation, headed by the Minister of Justice and Attorney General. He welcomed the National Human Rights Action Plan for 2017-2020 and the report presented by Rwanda to the African Commission on Human and Peoples' Rights on 6 November 2017. It was regrettable, however, that the visit of the Subcommittee on Prevention of Torture in October 2017 had been cut short and that the Government had withdrawn its declaration under article 34 (6) of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights. He had also been sorry to learn that the State party had declined to provide answers in the case of *Léon Mugesera v. Republic of Rwanda*, which was currently pending before the Court.

13. In its replies to the list of issues (CAT/C/RWA/Q/2/Add.1), the State party did not respond to the Committee's request for clarification as to whether State officials who instigated, consented to or acquiesced in acts of torture would be punished for those acts and, if so, with what penalties, and whether persons acting in an official capacity who inflicted acts of torture would be punished with the same, higher penalties as State agents.

14. In paragraph 38 of the State party's report (CAT/C/RWA/2), it was noted that any person found guilty of torture would be liable to a term of imprisonment of between six months and two years. He asked why the punishment was so lenient and recalled that penalties should always be commensurate with the gravity of the crime. It was apparent from that paragraph that punishments for torture were determined not by the act itself, but by its consequences. He would appreciate data on the number of convictions for torture resulting in death, incurable illness, permanent incapacity to work, full loss of function of an organ or serious mutilation. Full details of cases where the perpetrator was a judicial police officer, prosecutor or any other security service officer or public servant would also be welcome. The delegation should explain what was meant by the term "life imprisonment with special provisions" in paragraph 38 and describe the action taken against public officials who were complicit in, or failed to report, torture.

15. Turning to paragraph 16 of the report, he said that he would be interested to know why "sexual torture" was treated as a separate offence and requested information on all cases in which charges of sexual torture had been brought. He wished to know the number of convictions handed down and to obtain statistics on the number of cases in which the Convention had been applied or invoked by domestic courts.

16. He would like to know whether it was true that, in cases of alleged torture, prosecutors had discretionary powers under the Penal Code and the Code of Criminal

Procedure to end proceedings if the defendant died, the statute of limitations expired, an amnesty was granted or the defendant agreed to pay a fine to avoid going to court. It was reported that prosecutors could also seek out-of-court settlements and halve penalties in the event of a guilty plea. If that information was correct, the State party's legislation was not in line with the Convention and should be amended accordingly.

17. It appeared, from reading article 37 of the Code of Criminal Procedure, that police custody could last up to five days, not counting weekends, and that detainees were not brought before an independent and impartial judge. Instead, public prosecutors were both judge and party to the proceedings. Drawing attention to paragraphs 32 and 33 of the Human Rights Committee's general comment No. 35 (CCPR/C/GC/35), he requested specific information on the rules governing the length of custody. Could custody be extended, and, if so, under what circumstances? The delegation should indicate how long it took, in practice, for a person arrested or detained on a criminal charge to be brought before a judge.

18. In reference to paragraph 151 of the State party's report, in which it was mentioned that, for exceptional reasons, a minor aged between 12 and 14 years could, in certain cases, be held in police custody for a period of up to 72 hours, he asked why the age of criminal responsibility, set at 14 years in the Code of Criminal Procedure, had been lowered, what constituted "exceptional reasons", who decided the length of custody and whether 72 hours was not excessive. He would be grateful to receive statistics on the number of minors held in custody during the period under review, the average length of that custody and the punishments eventually meted out.

19. Under article 54 of Law No. 45/2008 on counter-terrorism, a security officer or any other authorized person had the power to arrest an individual suspected of committing terrorist acts, provided that the individual was handed over to the police within 48 hours. He would welcome further information in that regard, including on what was meant by "authorized person", where suspects were held before being turned over to the police and whether any checks were carried out during that time.

20. In paragraph 45 of the State party's report, it was noted that soldiers and their accomplices who were placed under arrest were to be held "near" the Office of Military Prosecution. Given that those accomplices might be civilians, he wished to know whether civilians could legally be detained by the military in an unspecified location, most probably a barracks, as long as that location was near the Office of Military Prosecution. More generally, he would be interested to hear whether there were gaps in domestic legislation that could be exploited to hold suspects in unofficial places of detention. Could the State party provide assurances that all persons apprehended by the State authorities were held in lawful custody and benefited from all the related safeguards?

21. It would be helpful to know whether the right of access to a lawyer was respected from the outset of detention in all cases, without exception. The Committee had received reports that, in practice, the right was guaranteed only from the moment a suspect was brought before a judge. According to article 99 of the Code of Criminal Procedure, a prosecutor could, "after interrogating the suspect with or without his/her legal counsel, hold the suspect in provisional detention". He would appreciate clarification on that point and assurances that access to counsel was possible throughout custody proceedings.

22. It was pointed out, in paragraph 50 of the State party's report, that legal aid was provided in cooperation with the Rwanda Bar Association. He wished to know under what circumstances legal aid was granted, why no public legal aid scheme was in place and to what extent the measures adopted by the Government to facilitate access to legal aid had proved effective. He asked because, from the information at the Committee's disposal, it seemed that the legal aid mechanism that had been set up did not function properly.

23. He invited the delegation to comment on reports that suspects in political or otherwise sensitive cases had difficulty in obtaining access to counsel and that some lawyers in such cases had been harassed or threatened by government officials and denied access to case files. The Committee would be grateful to receive assurances that measures were being, or would be, taken to protect defence lawyers.

24. The Committee had been informed that, following a security operation in Musanze and Rubavu in 2014, several individuals had been detained in secret and denied access to legal representation for two months. Subsequently, 44 persons had been charged with crimes against the security of the State. In 2015, six of those persons had been sentenced to life imprisonment, five had been sentenced to 10 years' imprisonment and three had been acquitted. The delegation should explain what had happened to the remaining 30 persons and whether there was truth to reports that the 44 defendants had been unable to contact a lawyer or even, in some cases, their relatives.

25. He would appreciate information on how the rights of detainees to an independent medical examination, if possible by a doctor of their choice, and to treatment on demand were regulated in law and in practice. Regarding the right to due process, he asked what measures were taken to ensure that defendants were not placed in pretrial detention automatically or on the basis of vague standards such as "public security". The delegation should explain what was done to ensure that persons accused of minor offences were not held in pretrial detention pending investigation and what remedies were available to persons detained illegally.

26. Noting that there was an electronic file management system for persons deprived of their liberty, he asked whether information on persons detained in military facilities and in transit and rehabilitation centres was included.

27. He would appreciate specific information on the State party's progress in implementing its comprehensive strategy for torture prevention in detention facilities. The construction of 15 new prisons, coupled with the release of several thousand prisoners since 1994, had helped to alleviate severe overcrowding and improve detention conditions, and there had been few allegations of torture or ill-treatment in civilian prisons since the mid-2000s. Those were positive developments. Nevertheless, the official figures often seemed to contrast with the actual situation.

28. According to the Rwanda Correctional Service, the prison population had decreased steadily, from 58,515 in 2011 to 53,600 in 2014, and was expected to decrease even further in the coming years. He would be grateful if the delegation could provide updated official figures, broken down by sex, age, place of origin, sentence length and nature of the crime committed. He would also like data on the number and percentage of the prison population awaiting trial. In the past, detention centres in the State party had lacked separate facilities for juveniles, and he wondered whether that was still the case. If so, what steps were being taken to remedy the situation?

29. The State party had stated that transit centres were intended to be premises for temporarily accommodating persons with deviant behaviour who were waiting to be sent to a rehabilitation centre. In practice, however, they served as administrative detention centres for homeless persons, street vendors, sex workers and street children, who were confined for long periods of time and not on the basis of any judicial proceeding. He would like to hear what measures had been taken to address the structural and administrative problems in the centres.

30. In 2015, Kigali City Council had adopted a new directive for the Gikondo Transit Centre, which permitted a commission to order persons found to be disturbing public order and security to be confined in the centre for up to 17 days. Such detention was arbitrary, however, as the individuals concerned did not pose a real threat and there was no legal basis for their detention. Moreover, the commission ordering the detention was composed of persons who administered the Centre, and there was therefore a lack of impartiality. The Committee had received information indicating that persons held in transit centres remained under the control of the police, who decided, arbitrarily, when they would be released. Furthermore, the centres were often overcrowded, sanitary conditions were poor, access to food and water was limited and beatings and other acts of violence were common and had reportedly resulted in several deaths. Could the delegation provide more detailed information about the centres and the conditions of detention in them, including information on the investigation of any detainee deaths? Could it also confirm that persons were not held in transit centres for longer than necessary and that the total possible detention time was, in fact, limited? The Committee would like to hear what measures the

Government had taken to find an alternative to the transit centres, which were de facto detention centres.

31. The Committee had been informed of many cases of arbitrary arrest and unlawful detention and of acts of torture. It appeared that the victims of those acts were often opponents of the Government. Although the State party had repeatedly denied such allegations, there seemed to be a clear difference between official and unofficial versions of events, which perhaps shed light on the reasons for the suspension of the October 2017 visit of the Subcommittee on Prevention of Torture. The suspension, a surprising and rare occurrence, was indicative of a marked lack of cooperation between the State party and the Subcommittee, which had not been able to visit places of detention and interview detainees. He would like to hear the delegation's views on the matter. He would also be interested in knowing whether the Subcommittee would be allowed to visit places of detention in the event that it made another visit to Rwanda.

32. Amnesty International, the International Federation for Human Rights and Human Rights Watch had reported flagrant violations of the Convention in the State party, and he would like to hear the delegation's response to those reports. The State party had been asked, in the list of issues (CAT/C/RWA/Q/2), to comment on numerous allegations of torture occurring at the Kami and Mukamira military camps between 2011 and 2014. In its response, the State party had said that no investigations had been conducted because the names of the alleged victims and suspects had not been provided. In his view, it was up to the authorities to determine the identity of the suspects. As to the identity of the victims, several of them were currently confined in Rwandan prisons and they were therefore not unknown to the Government. He would provide the delegation with a comprehensive list of persons who had publicly testified during their trials that they had been detained in secret at the two camps or elsewhere, and that they had been interrogated and subjected to ill-treatment and, in some cases, torture. To name but a few, Charles Ririmunda and Jean Damascène Ngarambe claimed to have been detained illegally for 7 and 9 months, respectively, while Joël Mutabazi, Théophile Munyaneza, Anatole Kayisire and Philippe Niyitegeka had been sentenced to life imprisonment. That being the case, how could the State party claim not to know the identity of those persons and why had it not investigated their allegations?

33. As to the perpetrators, in numerous cases they were alleged to be members of the Rwanda Defence Force, including Lieutenant Emmanuel Karemera, Lieutenant-Colonel Faustin Tinka, Captain Murenzi, Major Prosper and Captain Richard Ndakaza. He would like to know what position each of those individuals had held between 2010 and 2016, whether any investigations had been conducted into the allegations against them and whether any of them had been prosecuted or disciplined.

34. The Committee had been informed of allegations of torture and arbitrary detention of political opponents of President Paul Kagame. One was Diane Rwigara, who had attempted to stand against President Kagame in the August 2017 elections. She had been accused of falsifying registration documents for the election and inciting insurrection. Her mother and sister had also been arrested. The three women had allegedly been handcuffed for long periods and tortured. He would like to hear the State party's version of the alleged events.

35. The Committee was grateful to the State party for the information provided on the status of enforced disappearance cases, but was concerned by its assertion that no new information was available on the 21 cases reported by the Working Group on Enforced or Involuntary Disappearances. Once again, the State party's version of events seemed to be at odds with that of civil society organizations, which reported that Rwandan security forces had summarily executed at least 37 people between July 2016 and March 2017 in the north-western part of the country. Furthermore, it had been reported that members of the political opposition, including Illuminée Iragène, Jean Damascène Habarugira and Théophile Ntirutwa, continued to disappear. He wished to know whether those disappearances been investigated. Information on Alfred Nsengimana, Emmanuel Gasakure, Mahoro Jean Bosco and Eric Hashakimana, who had reportedly died while in police custody, would also be appreciated.

36. The Committee welcomed the adoption of Law No. 13ter/2014 on refugees and Law No. 69/2013 on extradition and was pleased that the latter expressly recognized the principle of non-refoulement. The State party had indicated in its report that no foreigner had been expelled or extradited to a country where there were serious reasons to believe that they risked being subjected to torture. However, once again, that information was contradicted by numerous reports received from NGOs. The Committee would appreciate a detailed explanation of the procedures in place to prevent persons from being expelled, extradited or returned to a State where they were likely to be subjected to torture. It would also like to know how long it took, in practice, for asylum applications to be adjudicated and whether it was standard practice for asylum seekers to be assisted by attorneys and to receive a medical examination to substantiate allegations of torture. Updated information on the use of the procedure for appealing against expulsion orders would also be welcome. Article 619 of the revised Penal Code had made it a crime for a foreign national to refuse to leave after receiving an expulsion order. He wondered what the practical effect of that provision had been. Information reported by several news agencies in May 2016 indicated that nearly 1,500 Burundian refugees had been expelled from Rwanda pursuant to that article after they had refused to move to refugee camps, and the Office of the United Nations High Commissioner for Refugees had expressed concern about numerous acts of violence and torture against refugees from Burundi. He would be grateful if the delegation could comment on those allegations and on the steps being taken to prevent such acts and punish perpetrators. Updated statistics on the number of Burundian refugees currently living in Rwanda would also be welcome.

37. He would like detailed information on the situation of human trafficking in the State party, including statistics on complaints, investigations, prosecutions and convictions and information on what was being done to identify cases and to prevent such trafficking. The Committee had received reports of trafficking of refugees, including children, for purposes of sexual exploitation. It had also been reported that refugees, including children, were being recruited into non-State armed groups. Some Rwandan military officers at the Mahama refugee camp and other camps had allegedly been complicit in those acts. He wished to know whether those allegations had been investigated.

38. The State party had reported that only three complaints of torture had been lodged since 2012, and that in two of those cases the perpetrators had been convicted of assault and battery, but not of torture. However, that information appeared to contradict the information in paragraph 2 of the State party's replies to the list of issues, which indicated that 11 cases of torture had been prosecuted from 2015 to 2017 and three people had been convicted. Could the delegation clarify that inconsistency and provide updated statistics on the number of cases, investigations, prosecutions and convictions related to acts of torture?

39. The Rwandan Human Rights Commission, which was responsible for visiting all places of detention in order to determine whether the rights of detainees were being respected, had reported that no acts of torture had occurred in Rwanda between 2010 and 2016, yet it had received complaints of torture from several victims. The Office of the Ombudsman had taken no action on those allegations, although it was empowered to investigate. He wondered why that was. He would like to know how many visits the Human Rights Commission had conducted to the Kami, Mukamira, Bigogwe, Mudende and Rubavu military camps and whether there had been complaints of unlawful detention or enforced disappearance at those camps.

40. **Ms. Belmir** (Country Rapporteur) said that she would appreciate clarification of the relationship between international human rights instruments and the State party's domestic law. Its second periodic report indicated that the Constitution and the organic laws of Rwanda had primacy over international treaties ratified by the country, while its core document (HRI/CORE/RWA/2015) stated that, once published in the Official Gazette, duly ratified international treaties and agreements took precedence over organic laws and ordinary law. In accordance with Articles 55 and 56 of the Charter of the United Nations, all Member States had a responsibility to ensure the protection of human rights, and it was therefore crucial that the international human rights instruments to which a State was a party should take precedence over the entire corpus of its domestic law, including its Constitution.

41. There had been reports of political pressure being exerted on the judiciary, resulting in arbitrary decisions and undermining the independence of the judiciary. She would welcome some clarification of those allegations.

42. The State party's report mentioned the human rights training programmes available for judges, prosecutors, lawyers and judicial officials, as well as civil society actors and religious leaders. However, she would appreciate more specific information as to how the State party ensured that legal safeguards were widely known and respected. With regard to the training given to doctors on signs of torture, she wished to know what methods the doctors used to assess signs of torture, and whether doctors were familiar with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

43. The State party's "transit" or "rehabilitation" centres did not have a clear legal framework. Since the State party claimed that it had attempted to find ways to help persons held in such centres during questioning, she wondered what type of assistance was given, especially since those persons often belonged to vulnerable groups, such as street children, drug users or prostitutes. Rehabilitation and transit centres constituted places of deprivation of liberty, and thus had to comply with the corresponding rules. In view of the concerns expressed about illegal detention, she would appreciate information on the remedies and support services available to persons held in rehabilitation centres. Noting that juvenile offenders were often detained in rehabilitation centres when they were unable to pay compensation to their victims, she wished to know what efforts were under way to introduce alternative measures to detention, and what the alternatives might be.

44. Both the Subcommittee on Prevention of Torture and the Committee were concerned by the fact that children, including some as young as 12 years of age, were detained alongside adults. She invited the delegation to provide further clarification on that issue. A ministerial order issued in 2014 required police facilities to take measures to separate adults and juveniles, but she wondered whether it had been implemented in practice; the Committee had received reports that it had not. According to article 200 of the Penal Code, children could be placed in a rehabilitation centre while awaiting trial. Given the conditions in those centres, she wondered how long children might expect to be detained and how many juveniles were in pretrial detention. Disciplinary measures, which included physical punishment and solitary confinement of up to 15 days, had been introduced at rehabilitation centres in 2015. In practice, however, detained persons could spend up to 30 days in solitary confinement. She wondered why those measures had been introduced and whether they applied generally throughout the prison system. She also wished to know what the legal framework for the disciplinary measures was, whether the authorities overseeing the prison system were aware of the measures and, if so, whether the authorities approved of them.

45. She was concerned that the military branch of the judiciary often exceeded its jurisdiction. In spite of denials that such places existed, there had been over 100 detailed accounts of unlawful detention, sometimes in military camps, where the use of torture had allegedly been widespread and even systematic. The number of such allegations had increased significantly between 2012 and 2014. An explanation and clarification from the delegation in that regard would be helpful.

46. Because torture was not considered an issue in the State party, it was very difficult to lodge complaints. There was also a widespread fear of reprisals. In some cases, complaints had resulted in arrest, enforced disappearances and even summary executions. The State party claimed that it had received a list of persons who had been subjected to enforced disappearance from the Working Group on Enforced or Involuntary Disappearances and the cases remained open. She would appreciate further information on those cases, including the number of investigations under way and the number of convictions, as requested by the Committee in its list of issues.

47. The State party had explained in its report that victims had the right to claim damages before impartial and competent courts. Perpetrators would be liable for compensation if they admitted to the offence. She invited the delegation to elaborate on the requirement for the perpetrator to admit to the offence, since it seemed a rather stringent

requirement. According to information from the State party, only two cases had resulted in compensation being awarded. She wished to know how many such cases had been brought since 2012 and whether they fell within the scope of civil or criminal law.

48. Confessions obtained through torture were not admissible as evidence by law. Nevertheless, NGOs and other treaty bodies had raised concerns regarding numerous allegations by prisoners deprived of their liberty who had been forced to sign confessions that had later been admitted in court. The fact that doctors were not granted access to persons deprived of their liberty to examine potential signs of torture exacerbated the issue. Such evidence had often been accepted by the former Gacaca courts, which had not worked on the basis of fundamental legal safeguards. Since a large number of cases had been tried by those courts, she wondered whether those cases could be re-examined by the ordinary courts. Joel Mutabazi and his co-defendants, many of whom had been convicted by a military court in 2015, claimed that they had been tortured and forced to sign confessions. In another case, Cassien Ntamuhanga and Jean-Paul Dukuzumure:nyi, who had been sentenced to 25 and 30 years in prison respectively, likewise claimed to have been subjected to torture and the judge had not taken the arguments in their defence into account when passing judgment. Appeals had been lodged in both cases. She would appreciate information as to the current status of those appeals.

49. During its last universal periodic review, the State party had undertaken to protect the freedom of expression of journalists and human rights defenders. However, the Committee had received reports that the authorities continued to harass, threaten, arrest and charge such individuals with a whole host of offences — including incitement to civil unrest, separatism and slander. On the basis of those charges, which lacked any legal grounds, a number of journalists and human rights defenders had reportedly been detained, subjected to torture, refused access to medical services and legal counsel, unfairly tried, found guilty and imprisoned. She wished to have the State party's response to those reports.

50. She would also like the State party to respond to allegations of intimidation by the authorities of those responsible for coordinating shadow reports for the 2015 universal periodic review of Rwanda and of a working group responsible for investigating enforced disappearances in Rwanda in 2015; the placement under house arrest of the 2017 presidential candidate Diane Rwigara and members of her family; and the murder of journalist Christophe Nkezabahizi and his family in 2015.

51. The Committee had been informed that certain foreign nationals seeking asylum in Rwanda had received deportation orders but continued to be held. She wondered if the State party could clarify for how long those individuals would be detained. The Committee had also been led to believe that, in July 2017, dozens of refugees from the Mahama refugee camp had been arrested, ostensibly for drug trafficking, and held in police stations in Kigali and elsewhere, without being informed of the charges against them. She wished to know how many individuals had been arrested, whether they were still being detained, what charges had been brought against them, whether any of them had been expelled from the country and whether article 3 of the Convention was being applied in that regard.

52. In 2016, the Human Rights Committee had recommended that Rwanda should abolish the practice of trying civilians in military courts, even where the individuals concerned had been involved in military operations. She fully supported that recommendation and would appreciate an update on the situation from the delegation.

53. According to information from the State party, by and large, male and female prisoners were separated. Had there been any cases of women being mistreated or assaulted by either prison staff or, where there was no gender-based separation, fellow inmates?

54. **Mr. Heller Rouassant** said that he appreciated the list provided by the State party detailing which groups of public officials had received training on the provisions of the Convention, but regretted that the armed forces had not been mentioned. He wondered whether army personnel were also trained on the provisions of the Convention and whether there was any indicator-based assessment of the impact of such training.

55. While the number of asylum applications from nationals of South Sudan and Eritrea was growing year on year under a relocation agreement between Rwanda and Israel, the

Committee had been given to believe that those individuals were facing major difficulties actually registering as asylum seekers. There had also been reports that Turkish nationals were facing similar difficulties owing to the withdrawal of their passports, leaving them in legal limbo, and that the Turkish Government was insisting that Rwanda should extradite its political opponents. He wished to know whether the State party could shed any light on those matters.

56. **Mr. Bruni** said that, given the inability of the Subcommittee on Prevention of Torture, during its visit to Rwanda, to meet with the parliamentary committee responsible for drafting the law on the establishment of the country's national preventive mechanism, he wished to know whether any plans were in place to set up the mechanism and get it up and running, not least given its importance to the Committee in gauging the effectiveness of measures taken to prevent torture. He wondered whether a budget and other resources had been earmarked to ensure the independence of the mechanism, whether it would form part of the national human rights institution and whether its remit would include all places of detention, including military facilities, where allegations of torture had surfaced.

57. **Ms. Gaer** said that she was concerned about the State party's claim in its reply to the list of issues that no allegations whatsoever had been made of forced confessions. The Committee had previously expressed its concern that the burden of evidence under such circumstances was on the complainant. She wished to know whether judges who were presented with such evidence were required to order an investigation, and whether any individuals had requested investigations as opposed to merely alleging that their confession had been made under duress.

58. The State party had asserted that military camps were not used as unofficial detention facilities. However, the Committee had received reports of individuals being beaten and tortured in military camps and subsequently charged in civil courts. She wished to have the State party's response to those allegations. She also wondered whether any Rwandan soldier had ever been rejected during the vetting process for recruitment to United Nations peacekeeping forces of the owing to accusations of torture or ill-treatment.

59. According to the State party, 259 cases of gender-based violence had been recorded in the reporting period. However, in its reply to the list of issues, the State party had referred to around 3,000 such cases per year — taking into account rape, domestic violence and so on. She would like to know the reason for the discrepancy in those figures. She also wished to know how many of those cases had led to convictions and what punishments had been handed down. Lastly, the Committee had asked how many protection orders had been issued, yet in its reply the State party had referred only to protection measures. Could the State party provide information specifically on protection orders?

60. **Mr. Zhang** said that he wished to have more information on the situation of the 7,000 or so prisoners who had been convicted of genocide and related crimes by the Gacaca courts and who claimed to have been detained beyond the length of their sentences. While the National Human Rights Commission had investigated those claims and found that none of the prisoners merited release, its findings had not been publicized, and he understood it continued to receive appeals from prisoners.

61. **Ms. Racu** said that she would like to have more information on staffing levels within the Rwanda Correctional Service and on the capacity of prison staff to deal with both inter-prisoner violence and vulnerable groups of prisoners such as women, juveniles and drug addicts. In particular, she wondered whether prison officers received training on the needs of people from those vulnerable groups. She also wondered what the usual ratio of guards to prisoners was, whether there had been any shortages of prison staff over the past year, and whether there were sufficient prison medical staff.

62. **Mr. Hani** said that he wished to know whether the State party was considering accepting the competence of the Committee under article 22 of the Convention. He would also like the delegation to elaborate on the Government's public statement following the curtailing of the visit by the Subcommittee on Prevention of Torture, in which it had said it would "consider its options in respect of the Optional Protocol". He wondered what measures had been taken by the Government to address the major shortcomings identified by the national human rights institution in the dissemination of the Committee's

recommendations to the bodies responsible for implementing them. Lastly, he wished to know whether the Committee could have copies of the draft law that would establish a national preventive mechanism and of the disciplinary rules circulated by the Commissioner General of the Rwanda Correctional Service.

63. **Ms. Pradhan-Malla** said that she wished to know why the dissemination of the Committee's recommendations had proved so problematic and how fully the recommendations on access to justice had been implemented. She would also like to know what was preventing the State party from accepting the competence of the Committee under article 22. On the subject of torture, she wondered what steps the Government had taken to guarantee effective redress and compensation to victims. While congratulating the State party on its amendment of the Penal Code to permit abortion under certain circumstances, she regretted that in practice the need for judicial authorization and medical approval was making abortion impossible and wondered what measures the State party planned to take to remove those barriers. She wished to know how many women had been imprisoned for violation of the abortion law and whether the State party would consider releasing them. Lastly, she would like to know what steps had been taken to provide women with information on access to abortion and to what extent unsafe abortions had contributed to the maternal mortality rate.

64. **The Chair** said that he would appreciate information on the formal requirements for registering as a human rights NGO, namely whether official permission was required, what criteria needed to be met, whether any applications for registration had been rejected and, if so, on what grounds. Noting the lack of human rights NGOs in the meeting room and the dearth of reports from such organizations, he also wished to know what the Government was doing to ensure an open dialogue with them and to safeguard them from reprisals.

65. **Mr. Touzé** said that complainants who had made allegations of torture and forced confessions had reportedly been unable to back up their claims with evidence because they had been refused access to medical examinations in unofficial detention centres. He wished to know whether the State party would consider amending the law so that the burden of proof did not lie with the complainant in such cases.

66. **Ms. Belmir** said that she wished to know whether cases handled by the Gacaca courts before their closure could be revisited, given the lack of fundamental safeguards in place in such courts. She wondered if the delegation considered those courts to have been effective and fair. Lastly, in light of reports that a number of human rights defenders had been imprisoned on such charges as terrorism and sectarianism, she wished to know what criteria needed to be met for a person to be considered a political prisoner.

*The meeting rose at 1 p.m.*